

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

STEVEN R. GOMES, JR. on behalf of himself  
and all others similarly situated,

*Plaintiff,*

v.

EXTRA SPACE STORAGE, INC. and EXTRA  
SPACE STORAGE MANAGEMENT, INC., and  
JOHN DOE COMPANIES 1-50.

*Defendants.*

Civil No.: 13-0929 (KSH) (CLW)

**Order**

**THIS MATTER** having been presented to the Court by defendants Extra Space Storage, Inc. and Extra Space Management, Inc. (collectively, “defendants”) seeking an order dismissing the first, second, and fourth counts of the first amended complaint (“FAC”); and the Court having considered the parties’ submissions and for the reasons set forth in the opinion filed herewith,

**IT IS** on this 31<sup>st</sup> day of March 2015, hereby

**ORDERED** that defendants’ motion to dismiss the fourth count, paragraph 79(d) of the first count, and paragraph 80(b) of the second count is GRANTED; and it is further

**ORDERED** that defendants’ motion to dismiss paragraphs 69(a), (b), (c), and (e) and paragraphs 72, 73, and 75 of the first count, and paragraphs 80(c) and (e) of the second count, is DENIED; and it is further

**ORDERED** that defendants' motion to dismiss the first and second counts of the FAC on grounds of unconstitutionality is DENIED.

/s/ Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J.